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March 22, 2007

D.C. Voting Rights: Myth vs. Fact

Get Beyond the FICTION. Do the Right Thing.

Dear Colleague,

Leading up to the vote on H.R 1433, the D.C. House Voting Rights Bill, I want to ask you to carefully consider the facts surrounding D.C., Congress and how they relate to each other. I hope you'll find, as I have, that Congress has the power and the responsibility to right this historic wrong.

Tom Davis

Myth:

Because the District was created openly and expressly to be a non-state the courts would strike this statute down.

Fact:

Richard P. Bress, assistant to the solicitor general of the United States, testified in the House Judiciary Committee that “the court would defer to Congress.” The American Bar Association agrees. There is a very strong presumption of constitutionality that attaches to any statute, particularly when Congress is exercising the plenary power it has under the District Clause to the Constitution. An act of Congress has never been overruled when Congress was exercising its plenary powers.

Myth:

A participle after the District Clause refers to “Forts...and other needful buildings.” Therefore, if the District is to gain a voting representative, it should follow that all our forts should as well.

Fact:

This textual fact actually supports the idea that citizens of the District should have voting rights. The residents of forts and other “needful buildings”, such as the Pentagon, already have the right to vote for a Member of Congress in their home state. Only the citizens of the District are shut out – clearly this was not the intent of the Framers of the Constitution.